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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Revision of the Commission's Rules ) CC Docket No. 94-102  
To Ensure Compatibility with ) RM-8143  
Enhanced 911 Emergency Calling Systems )

To: The Commission

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PETITION FOR RECONSIDERATION AND CLARIFICATION OF  
NEXTEL COMMUNICATIONS, INC.

NEXTEL COMMUNICATIONS, INC.

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NEXTEL COMMUNICATIONS, INC.**

**I. INTRODUCTION**

Pursuant to Section 1.429 of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits this Petition for Reconsideration and Clarification of the Commission's Report and Order ("Order") in the above-referenced proceeding.<sup>1/</sup>

In the Order, the Commission imposed new requirements on wireless telecommunications providers to ensure that they provide reliable enhanced 911 ("E911") services to the public. Nextel supports the decision to impose E911 requirements on wireless providers, but seeks reconsideration and clarification of specific requirements in the Order. First, Nextel seeks reconsideration of the Commission's requirement that, under certain circumstances, "911" calls be transmitted from mobile units without a code identifier. This is an unreasonable operational and technical burden with little corresponding public benefit.

Second, as a provider of Specialized Mobile Radio ("SMR") services, Nextel seeks clarification of the Commission's definition

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<sup>1/</sup> Report and Order and Further Notice of Proposed Rule Making, FCC 96-264, CC Docket No. 94-102, released July 26, 1996.

of "covered SMR" for purposes of applying the E911 requirements. As written, the definition will encompass more than just those SMR providers offering mass-marketed enhanced wireless services to the public. Therefore, the Commission should clarify that the Order's E911 requirements are not applicable to local, non-cellular SMR systems providing primarily dispatch services to the public.

## II. BACKGROUND

The Order imposes the following requirements on wireless providers:

- (1) Within 12 months, carriers must:
  - (a) have the ability to transmit E911 calls to the Public Safety Answering Point ("PSAP") from any mobile unit with a code identification,
  - (b) have the ability, if requested by the PSAP, to transmit E911 calls to the PSAP from a mobile unit that does NOT have a code identification, and
  - (c) have the ability to transmit E911 calls for the speech and hearing-impaired through the use of Text Telephone Devices ("TTY").
- (2) Within five years, the carrier must have the ability to provide the PSAP the caller's location, by longitude and latitude, within 125 meters, and the carrier must be accurate 67 percent of the time.<sup>2/</sup>

Nextel generally supports these requirements. However, the requirement to transmit E911 calls from mobile handsets without code identification is unnecessary and overburdensome, and should be reconsidered by the Commission. Moreover, as discussed further herein, the Commission should clarify that "covered SMR" does not

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<sup>2/</sup> Order at para. 10.

encompass local, non-cellular SMR providers, and is applicable only to mass-marketed, cellular-like SMR services.

### III. DISCUSSION

- A. The Commission's requirement to transmit E911 calls from handsets without a code identification is not in the public interest and should be reconsidered

In the Order, the Commission requires carriers to transmit, at the request of the PSAP, an E911 call from a mobile handset that has no code identification. On Nextel's GSM-based digital systems employing Motorola's iDEN technology, this code identifier is the International Mobile Service Identifier ("IMSI") -- the information that "introduces" the mobile unit to the system once a customer initializes service.<sup>3/</sup> Thus, if a user makes a call from an authorized Nextel mobile unit, the IMSI is transmitted to the switch, the system recognizes the IMSI, knows that the mobile unit is part of the Nextel system, and permits the call's transmission. An unauthorized Nextel mobile unit has no IMSI and will not be recognized, i.e., it is essentially "nonexistent" to the Nextel system. This approach to call handling and validation makes fraud, including cloning, more difficult on Nextel's system than on traditional analog cellular systems.

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<sup>3/</sup> Nextel presumes that, by code identification, the Commission is referring to the IMSI used by a Nextel iDEN customer unit. Although different from the Mobile Identification Number ("MIN") employed on a cellular system, the IMSI serves a similar purpose. The MIN on a cellular system is the same number as the subscriber's telephone number. The IMSI, on the other hand, is a distinct number from the subscriber's phone number. Thus, when the Commission refers to a MIN, it is not necessarily referencing the information contained in the IMSI on Nextel's system.

Requiring transmission of E911 calls from iDEN phones without any code identification would be extraordinarily costly and require significant system modifications. This requirement is significantly different from the Commission's requirement that an E911 call be transmitted without caller authentication or validation. In the latter case, the system "knows" the mobile unit, and also knows that this particular mobile unit may have had service cut off for failure to pay its bill or has asked that calls not be transmitted due to theft or fraud. Programming the switch to allow only E911 calls in those situations can be done without unreasonable expense and serves the public interest.

Moreover, requiring E911 call transmission from iDEN phones without an IMSI would provide few benefits and would promote bad public policy. First, it would provide few benefits as there would be few situations in which a user attempts to dial E911 from a unit without an IMSI because, essentially, that customer unit is a disconnected phone.<sup>4/</sup> These situations will be particularly rare on Nextel's system because Nextel's digital SMR equipment cannot be purchased independently of Nextel's digital service. In other words, a Nextel mobile unit cannot be purchased from, for example, Radio Shack and then presented to a Nextel customer representative

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<sup>4/</sup> This is analogous to buying a wireline telephone and plugging it into the phone jack at your house without first contacting the phone company to connect service to the house. Just as there is no dial tone and no connection to the wireline switch, a mobile handset without an IMSI has no connection to the mobile network and wireless switch.

for service initiation.<sup>5/</sup> Therefore, because Nextel's equipment can only be legally obtained from Nextel or its authorized dealers, it is highly unlikely, absent illegal activities, that there will be a disconnected Nextel phone, i.e., one without an IMSI, in the hands of a consumer.

Given these facts, the small number of consumers who might be aided by transmission of E911 from mobile units without IMSI code identification does not justify the enormous cost of making it available. Major upgrades would have to be made to the switch as well as all of the mobile units operating on Nextel's system. Requiring the passage of E911 calls from phones that are "nonexistent" to the switch would require a significant investment that is not justified by the minimal incremental benefit of making E911 service available in a handful of situations -- many of which may involve stolen equipment. Users that do not arrange for service should have no expectation of its being available.

Third, imposing that requirement would competitively disadvantage Nextel and other companies using new and innovative technologies. Given Nextel's unique position as one of only two SMR operators currently using Motorola's iDEN technology,<sup>6/</sup> the cost of this E911 upgrade would be borne only by Nextel and a

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<sup>5/</sup> This is in contrast to cellular service and equipment, which can be purchased separately. Moreover, once purchased, the cellular analog customer units are compatible with any cellular provider's system, given the uniform technological standards in the cellular industry.

<sup>6/</sup> The Southern Company is operating a wide-area iDEN SMR system in the Southeastern U.S.

limited number of other providers. This is in sharp contrast to upgrades made to cellular systems/mobile units, which would be spread across numerous providers nationwide, thereby easing the cost burdens on each cellular competitor.

Finally, requiring transmission of E911 calls from mobile units that are unknown to the system is bad public policy. The calls would be untraceable since the unit would have no "identification." Without the ability to trace the source of a particular E911 call, the system operator could not control abuse of the E911 system by wireless callers which could prevent legitimate E911 calls from being completed -- the antithesis of the Commission's objective herein.<sup>7/</sup>

In conclusion, the enormous costs, the potential for fraud, abuse and other illegal activities, and the competitive disadvantage imposed on certain CMRS carriers, does not support making E911 calling available to a very few consumers improperly using essentially "disconnected" phones or phones that have never been placed in authorized service.

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<sup>7/</sup> As established in the Order, the Commission's rules could encourage the following scenario: a consumer can purchase a cellular phone from any Radio Shack or Wal-Mart and then walk out of the store and begin making fraudulent 911 calls. There is no way, without code identification, to trace the phone to the store where it was purchased, to the person who purchased it, or to the location from where the call was made. The unidentified mobile phone would be a true "loose cannon" on the wireless system -- raising far more serious and far-reaching problems than those the rule sought to cure.

- B. The Commission should clarify that "covered SMR" does not encompass local, non-cellular SMR systems providing primarily dispatch services

In the Order, the Commission concluded that the E911 obligations should be extended to "covered SMRs," which it defined as those SMRs "that hold geographic area licenses" or "who have obtained extended implementation authorizations in the 800 MHz or 900 MHz SMR service, either by waiver or under Section 90.629 of [the] rules."8/ Following that specific delineation of "covered SMRs" the Commission stated that "local SMR licensees offering mainly dispatch services to specialized customers in a non-cellular system configuration, as well as licensees offering data, one-way, or stored voice services on an interconnected basis, would not be governed by these E911 requirements."9/ The Commission intended to exclude these latter systems based on its finding that the cost of implementing E911 on such systems would far outweigh the benefits.10/

Although it appears that the Commission intended to exclude local SMR systems, its definition is insufficiently clear given that a significant number of prospective geographic licensees and some extended implementation licensees are "local SMR licensees offering mainly dispatch services" to the public. The mere fact that an SMR operator has received a geographic license or an extended implementation grant does not mean it will configure its

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8/ Order at para. 81.

9/ *Id.*

10/ *Id.*



service on a "cellular-like" basis and offer enhanced wireless telecommunications services to the public. The current definition, therefore, may be read to include numerous SMR systems that the Commission appears to have expressly intended to exclude from E911 obligations.<sup>11/</sup>

On reconsideration, the Commission should amend and/or clarify the definition of "covered SMR" to ensure that it excludes those "local" SMR systems that offer, as the Commission described it, "mainly dispatch services to specialized customers in a non-cellular configuration." The term "covered SMR" should encompass only those SMR systems that offer consumers two-way voice services using a mobile telephone switching facility. This definition would ensure that "covered SMR" encompasses only high capacity SMR systems with the licensed channels divided into groups that are then assigned to specific geographic cells (as defined in Section 22.2), that can be reused in different cells within the service area and are capable of automatically handing off a mobile unit's call as that mobile unit travels throughout the service area.<sup>12/</sup>

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<sup>11/</sup> As written, local, primarily dispatch SMR systems on the lower 230 SMR channels would be subject to this new obligation if they chose to obtain a geographic area license through the proposed auction and settlement process in the Industry Consensus Proposal. See Joint Reply Comments of SMR WON, the American Mobile Telecommunications Association, and Nextel, filed in PR 93-144 on March 1, 1996. The Commission must clarify its definition to avoid discouraging local SMRs from obtaining a geographic license in order to avoid regulatory requirements, such as 911, that would impose more burdens on local dispatch systems than competitive benefits for customers.

<sup>12/</sup> See Section 22.2 of the Commission's rules for the definition of a "cellular" system. Nextel's proposed definition of "covered SMR" would ensure that only systems similarly configured

Further, the Commission should make clear that the amended definition is applied on a system-by-system basis. A specific licensee may hold many SMR licenses -- some of them for single site dispatch, non-cellular systems; others for wide-area, two-way voice services using a switching facility. A single SMR licensee may provide cellular-like services on one system while providing only local, primarily dispatch services on another system. Therefore, consistent with the Commission's conclusion that local SMR systems could be overburdened by the imposition of E911 obligations, they should not be applied to any local SMR system -- regardless of who is operating it. The mere fact that Nextel, for example, may offer enhanced wide-area SMR services in New York does not warrant the imposition of E911 obligations on Nextel's local SMR systems in Arkansas and Kentucky.<sup>13/</sup> These local SMR systems are no different than any other local SMR, operated by any other licensee. Imposing E911 obligations on such small, local systems could impose enormous costs on the system without corresponding benefits.

#### IV. CONCLUSION

Ensuring that wireless telecommunications carriers can provide E911 services to consumers is in the public interest. The Commission's Order goes too far, however, by imposing the impracticable, unnecessary and very costly duty to transmit E911

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to a cellular system would be covered by the resale obligations.

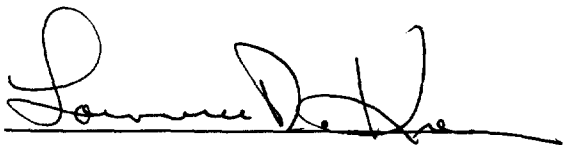
<sup>13/</sup> As with any local SMR system, providing primarily dispatch services, "the costs of applying the resale policy to [Nextel's local SMR] operations would presumably outweigh the benefits." Order at para. 19.

from mobile units with no code identification. The ability to make E911 calls from these mobile units has minimal benefit since there are so few instances in which it is likely to occur, and it creates an enormous potential for fraud and abuse of the E911 system and public safety agencies. The limited usefulness of the requirement, as well as its potential for misuse, does not justify the significant and costly system upgrades it would entail.

Moreover, any of the E911 requirements imposed in the order would have limited benefit and overwhelming cost implications for local, non-cellular SMR systems that provide primarily dispatch services. Therefore, the Commission should clarify its definition of "covered SMR" to ensure that these SMR systems are not subjected to the E911 obligations.

Respectfully submitted,

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Dated: September 3, 1996

**CERTIFICATE OF SERVICE**

I, Rochelle L. Pearson, hereby certify that on this 3rd day of September 1996, caused a copy of the attached Petition for Reconsideration or Clarification of Nextel Communications, Inc. to be served by hand delivery or first-class mail, postage prepaid to the following:

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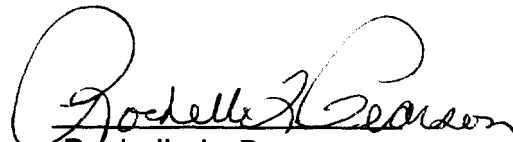
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